

DRAFT: February 24, 2015

ADOPTING ORDINANCE

ORD. OF __-__-2015

AN ORDINANCE ADOPTING AND ENACTING A NEW ARTICLE FOR THE CITY OF SAVANNAH, GEORGIA PERTAINING TO ALCOHOLIC BEVERAGES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; SUCH ARTICLE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED, by the Mayor and Alderman of the City of Savannah, Georgia:

SECTION 1: The Article entitled, "Article H. The Alcoholic Beverage Ordinance of 2015", published by Municipal Code Corporation, consisting of Sections 6-1201 through 6-1226, each inclusive is adopted.

SECTION 2: All provisions of the Savannah, Georgia, Code of Ordinances, Division II, Part 6, Chapter1, Article H enacted on or before _____, 2015, and not included in Article H. The Alcoholic Beverage Ordinance of 2015 and continued in force by reference therein, are repealed.

SECTION 3: The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION 4: This Ordinance shall become effective upon adoption.

ADOPTED AND APPROVED: _____, 2015

Article H. ALCOHOLIC BEVERAGES

Chapter 1 General Provisions

Sec. 6-1201. Title of Article.

This Article shall be known and may be cited as “The Alcoholic Beverage Ordinance of 2015.”

(Ord. of ___-___-2015, § 6-1201)

Sec. 6-1202. Privilege, Not a Right.

Nothing in this Article shall be construed as giving a person a right to sell or otherwise deal in alcoholic beverages. Manufacture, distribution and sale of alcoholic beverages are declared to be privileges in the City of Savannah, not rights.

(Ord. of ___-___-2015, § 6-1202)

Sec. 6-1203. Purpose; Intent.

This article is enacted for purposes of establishing reasonable and ascertainable standards for the regulation and control of alcoholic beverages in a manner designed to promote the health, safety and general welfare of the community, while giving effect to zoning and land use plans, preserving residential areas with reasonable consideration for their character and with the general intent of promoting desirable living conditions and sustaining the stability of neighborhoods and property values. Further, the Alcoholic Beverage Ordinance of 2015 is designed to permit the manufacture, distribution, dispensation and/or sale of alcoholic beverages by qualified persons within the corporate limits of the City of Savannah as permitted by Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, *et seq.*, as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, *et seq.*, as amended; provided, however, that nothing contained in this Article shall be construed to permit any activity or conduct that is inconsistent with the provisions contained herein, or any other provisions of state or local law that may otherwise apply to a licensee.

(Ord. of ___-___-2015, § 6-1203)

Sec. 6-1204. Definitions; General Provisions.

These words and terms shall have the following meanings and, where applicable, be subject to the limitations set forth within such definitions, when used in this Article:

(a) “*Alcohol*” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(b) “*Alcoholic beverage*” means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine, in any form.

(c) “*Ancillary retail package store*” means a retail business establishment:

- (1) Engaged in the retail sale of malt beverages or wine in unbroken packages, not for consumption on the premises; and
- (2) Which derives from such retail sale of malt beverages or wine in unbroken packages less than 75 percent of its total annual gross sales.
- (3) An ancillary retail package store is prohibited from distributing, dispensing or selling bottled distilled spirits.

(d) “*Beer*” or “*malt beverage*” means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products, including ale, porter, brown stout, lager beer, small beer, and strong beer. These terms do not include sake, known as Japanese rice wine.

(e) “*Bona fide private club*” means any nonprofit association organized under the laws of this state, which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this Title 3 of the Official Code of Georgia Annotated;
- (2) Has at least 75 regular dues-paying members; and
- (3) Owns, hires or leases a building space within a building for the reasonable use of its members, which building or space:
 - (A) Has a suitable kitchen and dining room space and equipment;

(B) Is staffed with a sufficient number of employees for cooking, preparing and serving meals for its members and guests; and

(4) Has no member, officer, agent or employee directly or indirectly receiving in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

(f) “*Brewer*” means a manufacturer of malt beverages only.

(g) “*Brewpub*” means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36, as amended, for retail consumption on the premises and solely in draft form. As used in this paragraph, the term “eating establishment” means an establishment which is licensed to sell distilled spirits, beer, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that barrels of beer sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers, as authorized by O.C.G.A. § 3-5-36, as amended, shall not be used when determining the total annual gross food and beverage sales.

(h) “*Brewery*” means a place where malt beverages are manufactured or brewed.

(i) “*City Council; Council*” means The Mayor and Alderman of the City of Savannah in council assembled, the legislative body of the City.

(j) “*City of Savannah*” or *City*” means The Mayor and Alderman of the City of Savannah, a municipal corporation of the State of Georgia: such definition to include all geographical area within the corporate limits of the City of Savannah, to include any and all areas annexed following adoption of this Article.

(k) “*Complimentary service*” means the *gratis* provision of malt beverages or wine to patrons of a business establishment, when such establishment does not otherwise constitute a manufacturer or wholesaler as defined in this Article, and the *gratis* provision of malt beverages or wine is incidental to the establishment’s business. A complimentary service licensee is prohibited from furnishing distilled spirits. Complimentary service of wine shall be limited to individual pours of no greater than 6 fluid ounces. Complimentary service of malt beverages shall be limited to individual pours of no greater than 8 fluid ounces.

(l) “*Distilled spirits*” means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

(m) “*Event venue*” means a location that is only open to the public for ticketed or non-ticketed artistic presentations, live or recorded musical presentations, theatrical performances, films or other similar events of a limited duration. Ticketed events may be general admission or by reserved seating. Such facility shall not be open on a daily basis for events, shall not have a permanent bar and shall only be authorized to sell alcoholic beverages beginning one hour before the scheduled event and no later than one hour after the conclusion of the event.

(n) “*Home brewer*” means a person who is permitted to produce not more than 50 gallons of malt beverages in any one calendar year to be consumed within his or her own home without any requirement to be licensed for such purpose. No malt beverage produced by a home brewer may be sold or offered for sale.

(o) “*Licensed alcoholic beverage caterer*” means any retail package dealer or retail dealer who has been licensed pursuant to Title 3 contained in the Official Code of Georgia, O.C.G.A. § 3-1-1, *et seq.*, as amended, and who has been licensed by the City of Savannah or its home jurisdiction to sell or dispense alcoholic beverages off premises.

(p) “*Licensee*” means the individual to whom a license is issued.

(q) “*Manager*” means a natural person, over the age of 21, who has responsibility for day-to-day management of the operations, including sale of alcoholic beverages, at the location to be licensed or supervision of management of the operations, including sale of alcoholic beverages, at the location to be licensed and who is the owner or a full-time employee of the corporation, partnership, proprietor or other ownership entity. Such person shall actively operate the licensee’s business on a day-to-day basis and reside within a 50-mile radius of the establishment for which said individual is responsible for day-to-day management of the licensee’s operations.

(r) “*Manufacturer*” means any maker, producer or bottler of an alcoholic beverage, excluding a home brewer. The term also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits (“distiller”);

(2) In the case of any malt beverages, any brewer; and

(3) In the case of wine, any vintner.

(s) “*Occupant load*” means the maximum number of people allowed in an establishment pursuant to the Life Safety Code or any other fire prevention based-code, as may, from time-to-time, be amended and adopted by City Council.

(t) “*Package*” means a bottle, can, growler, keg, barrel or other consumer container in its original sealed state.

(u) “*Person*” means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, receiver, fiduciary or other group or combination.

(v) “*Premises*” includes all the space or area owned, leased and/or controlled by a licensee and used for the purpose of operating under the license, including but not limited to all rooms wherein alcoholic beverages are sold, furnished, served or consumed, except when such room is located in a hotel, motel, inn or similar facility. Premises may include adjoining patios, decks, porches or, where applicable, permitted sidewalk cafes. A floor plan for each licensed premises must be submitted with each application for a license under this Article.

(w) “*Retailer*” or “*retail consumption dealer*” means any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.

(x) “*Retail package store*” means a retail business establishment:

(1) Primarily engaged in the retail sale of distilled spirits, malt beverages or wine in unbroken packages, not for consumption on the premises, except as authorized by Title 3 of the Official Code of Georgia Annotated, as amended; and

(2) Which derives from such retail sale of alcoholic beverages in unbroken packages, at least 75 percent of its total annual gross sales.

(y) “*Sample*” means the *gratis* provision by a retail package store or ancillary retail package store of a one ounce or less portion of wine or malt beverage to a person over the age of 21.

(z) “*Security person*” means a natural person who monitors the entrance and other areas of a late night entertainment establishment for purposes of, among others, monitoring compliance with the licensee’s occupancy load, identifying underage persons, identifying noticeably intoxicated persons, enforcing the rules and regulations of the business and otherwise providing security for the licensee and its patrons.

(aa) “*Tasting*” refers to the provision by a licensed manufacturer of a limited amount of the alcoholic beverage it manufactures to persons over the age of 21 as more specifically set forth in Section 6-1217 (malt beverages), Section 6-1219 (distilled spirits) and Section 6-1221 (wine).

(bb) “*Underage permit*” refers to a permit issued to a licensed retail dealer which enables such establishment to allow persons between the ages of 18 and 21 to enter the premises to attend live entertainment performances.

(cc) “*Wholesaler*” or “*wholesale dealer*” means any person who distributes for profit alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers;

(dd) “*Wine*” means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, meads, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained herein.

(Ord. of ___-___-2015, § 6-1204)

Chapter 2. Alcoholic Beverage Licensing

Sec. 6-1205. License Required.

(a) No malt beverage, wine, distilled spirits or any other alcoholic beverage may be sold, dispensed or manufactured in the City except upon obtaining a license

issued pursuant to the terms of this Article by the office of the Revenue Director for the City of Savannah.

(b) The requirements of this Article shall be in addition to any other requirements for business certificates under this Code and if other provisions of this Code conflict with this Article, then this Article shall control.

(c) Licenses which may issue under this Article, including any combination of the following; provided, such combination is not otherwise prohibited by applicable law, including but not limited to Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, *et seq.*, as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, *et seq.*, as amended:

LICENSE CLASS	APPLICANT CLASSIFICATION	DISTILLED SPIRITS	MALT BEVERAGE	WINE
A	Licensed Alcohol Caterer	1 (A1 is incompatible with Class E, F and G uses)	2 (A2 is incompatible with Class E, F and G uses)	3 (A3 is incompatible with Class E, F and G uses)
B	Manufacturer (Brewer = B2)	1	2	3
C	Retail Dealer (on premises consumption)	1	2	3
D	Retail Package Dealer (off premises consumption)	1 (C1 and D1 are incompatible uses)	2 (C2 and D2 are incompatible uses)	3
E	Ancillary Retail Package Dealer	X (ineligible use)	2	3
F	Wholesaler	1	2	3
G	Complimentary service	X (ineligible use)	2	3
H	Samples	X	2	3

(Ord. of __-__-2015, § 6-1205)

Sec. 6-1206. Application for License; Applicant; Contents of Application.

(a) *Application for license.* It shall be unlawful to manufacture, distribute, sell, dispense or offer to sell any distilled spirits, malt beverage or wine without first applying

for and obtaining a license therefor from the City of Savannah acting through the office of the Revenue Director. A separate license shall be required for each establishment consistent with the provisions of Section 6-1205. No license may be transferred without the approval of the City of Savannah, acting through the office of the Revenue Director, upon proper application being made.

(b) *The applicant.* An applicant for a license to manufacture, distribute, dispense or sell alcoholic beverages within the corporate limits of the City of Savannah shall be a citizen or resident alien of the United States. Each person applying for a license under this Article shall designate a manager in compliance with the requirements set forth herein at Sec. 6-1204(q).

(c) *Contents of application; contents to be furnished under oath.* An application containing information as specified by the Revenue Director shall be completed and filed with the office of the Revenue Director by each applicant for a license to conduct any business involving the manufacture, distribution, dispensation or sale of any distilled spirits, malt beverage or wine, and by each applicant for a transfer or renewal of an existing license, on forms provided by the office of the Revenue Director. The contents of such form shall include intended license class/applicant classification code, date of filing, business location, information concerning the applicant and his/her background, proof of financial responsibility and all other related information as may be deemed necessary by the office of the Revenue Director. Upon the submission of such application, the applicant shall remit to the office of the Revenue Director a license fee, which shall be based upon the particular class or classes of license sought by the applicant. Such application shall be given under oath and in the presence of an attesting officer, duly authorized by law to administer oaths.

- (1) *Proof of Financial Responsibility- Dram Shop Insurance.* Prior to the issuance of a Class A or C alcoholic beverage license, the applicant shall file with the Revenue Director's office a certificate of liquor liability insurance (dram shop), in effect for the license period and issued by an insurer required to be licensed pursuant to state law, providing an annual aggregate policy limit for dram shop insurance of not less than \$1,000,000 per policy year.
- (2) *Proof of Financial Responsibility- General Liability Insurance.* Prior to the issuance of any Class A, B (to the extent the applicant offers tastings as defined in this Article), C, D, E, G or H alcoholic beverage license, the applicant shall file with the Revenue Director's office a certificate of liability insurance, in effect for the

license period and issued by an insurer required to be licensed pursuant to state law, providing at least \$1,000,000 in commercial general liability insurance coverage.

- (3) *Public Safety Plan.* Licensed retail dealers that operate establishments where persons under the age of 21 are not permitted and licensed retail dealers that obtain an Underage Permit, as specified in this Chapter, shall prepare and submit with the application a written public safety plan, which shall be subject to the approval of the Chief of the Savannah-Chatham Metropolitan Police Department or his/her designee prior to the issuances of an alcoholic beverage license, which shall include the following:
- (A) Identification of the days and hours of operation;
 - (B) Specific measures and procedures to address crowd management, both within and outside the premises;
 - (C) Identification of any parking areas either owned or controlled by the licensee;
 - (D) Means of controlling access to the premises and parking areas;
 - (E) Security staffing;
 - (F) Specific measures and procedures to combat underage consumption of alcoholic beverages;
 - (G) Specific measures and procedures to combat the risk of fire; and
 - (H) Discussion of matters related to managing emergencies, including fire, evacuation tactics, assignment of specific emergency management duties to particular personnel, coordination with public safety officers and emergency medical matters.
 - (I) Establishments operating pursuant to Section 6-1225(a)(2) shall also be required to submit a public safety plan, which

shall include the information provided hereinabove and a discussion of measures the licensee will undertake to visibly distinguish between patrons under and over the age of 21.

(d) To qualify for an alcoholic beverage license, the premises shall comply with the requirements of O.C.G.A. § 3-3-21, as amended. Nothing contained in this Article shall prohibit the sale of alcoholic beverages by:

- (1) Hotels of 50 rooms or more which have been in continuous operation for a period of at least five years preceding July 1, 1981;
- (2) Hotels of less than 50 rooms for the retail sale of alcoholic beverages solely to occupants of the hotel and their guests by the drink for consumption only on the premises;
- (3) A private social club which is open only to its members and their guests and not to the general public, which does not advertise for or solicit patrons, which has an operating dining room as an integral part of its facilities, which dispenses alcoholic beverages solely to club members or their guests by the drink and for consumption only on the premises;
- (4) A licensee that sells alcoholic beverages as part of a meal to its patrons or to those patrons awaiting a table to be served a meal in a public place, when such establishment maintains, advertises and holds itself out to the public as a place where meals are served and where meals are actually and regularly served, such place containing an adequate and sanitary kitchen and dining room equipment and having a seating capacity of at least 40 people, having employed therein a sufficient number and kind of employee to prepare, cook and serve suitable food for its guests with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto;
- (5) Businesses classified as banquet or reception halls with catered food services whose dominant business activity and related gross receipts are from the rental of facilities and catering of food for banquets and receptions there shall be no distance requirements to colleges or schools for businesses within the historic district when the premises are zoned to allow such use and such businesses are

otherwise determined to be eligible for a retail dealer alcoholic beverage license.

(Ord. of ___ - ___ -2015, § 6-1206)

Sec. 6-1207. Alcoholic Beverage License Determinations.

(a) The mayor and aldermen may deny, suspend, revoke or refuse to renew any alcoholic beverage license for one or more of the following reasons:

- (1) The violation by the applicant, manager, licensee or licensee's employees of any state or federal law or regulation or any provision of this Code or other municipal ordinance, at any time adopted, relating to the sale, use, possession or distribution of drugs or alcoholic beverages while on or about the licensed premises;
- (2) The failure of the applicant or licensee to pay required fees and taxes;
- (3) The failure of the applicant or licensee to provide required valid information, documents and the like;
- (4) The submission of false or misleading information, or the omission of required information, in the application or attached documents;
- (5) Residency of the manager beyond the 50-mile radius surrounding the concerned establishment;
- (6) A prior conviction or plea of nolo contendere of the owner, applicant or designated manager of any felony during the ten years immediately prior to the filing of the application or a prior conviction or plea of nolo contendere of the applicant or designated manager of two or more misdemeanors or any state or of the United States or any municipal ordinance, except traffic violations, within the two years immediately prior to the filing of the application;
- (7) The failure of the licensee or its employees promptly to report to the police department any violation of law or this Article, including any breach of the peace or altercation occurring in or adjacent to the licensee's premises;

- (8) The failure of the licensee or its employees to cooperate with law enforcement personnel, as provided in Section 6-1210;
- (9) The operation of the licensee's business in such a manner as to constitute a threat to public safety, welfare or health or in such a manner as to constitute a public nuisance or the operation of a licensed business where violation of federal, state or local laws frequently or regularly occur; or
- (10) The revocation or suspension by the State of Georgia of any state license to sell any alcoholic beverage shall result in the automatic revocation of the license issued under this Article without any action by the City, including any bureau or employee thereof.

(b) All licenses issued under this Article shall be subject to Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, *et seq.*, as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, *et seq.*, as amended, and violation of those statutes and regulations shall constitute violations of this Code.

(c) No license may be issued under this Article to any premises not meeting the requirements of all state, county and city laws, ordinances and regulations which apply to said premises, including, but not limited to building, zoning fire and sanitation codes.

(d) The mayor and aldermen in determining whether or not to grant, renew, transfer or issue a license, may, in the interest of public safety and welfare, and in addition to all other provisions of this Article, consider the following:

- (1) If the applicant is a previous holder of a license to sell alcoholic beverages, or the designated manager previously managed a licensed establishment, whether the applicant, designated manager or other person associated with the business has violated any law, regulation or ordinance relating such business;
- (2) If the owner, the applicant, the designated manager or any other person associated with the business has conducted previous business activities, the manner in which the previous business activities were conducted with regard to considerations of public safety, fire safety and compliance with the Fire Code;

- (3) The location for which the license is sought, as to traffic congestion, general character of the neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values;
- (4) The number of licenses already granted for similar businesses in the trading area of the place for which the license is sought;
- (5) If the applicant is a person whose license issued under the police powers of any governing authority was previously suspended or revoked;
- (6) The denial of an application or the revocation of a license which was based on the qualifications of the proposed location;
- (7) Evidence that a substantial number of incidents requiring police intervention have occurred within an area reasonably attributable to the premises during the 12 months immediately preceding the date of the application;
- (8) The applicant or licensee is not compliant with all matters bearing upon the conduct of any business ventures within the City, including, but not limited to, permitting, taxes, licenses and fees; or
- (9) Evidence that the type and number of schools, religious institutions, libraries, public recreation areas or other circumstances in the vicinity of the premises cause minors to frequent the immediate area, even though there is compliance with the minimum distances as provided by state law.

(e) *Notice and hearing; due process.* No alcoholic beverage license may be revoked, suspended, subject to refusal of renewal or transfer prohibited without notice and an opportunity for a hearing as provided herein:

- (1) Such hearing shall only occur following written notice to and advising the applicant or the license holder of the grounds therefor; the date, time and place of the hearing; and advising the applicant of the opportunity to appear, to present evidence, and be represented by counsel; and

- (2) Notwithstanding the foregoing, the City Manager, whether personally or by designee, may temporarily suspend any license provided for in this Article for any reasons stated in this Section pending a hearing and action by the City Council.

(f) *Waiting periods.* When any license is revoked as provided under this article, no further license shall be issued to such license holder for a period of six months from the date of revocation; and if there has been a prior revocation at the location within the preceding 24 months, no further license shall be issued to any person, firm or corporation at such location for a period of six months from the date of revocation.

(ord. of __-__-2015, § 6-1207)

Sec. 6-1208. Advertisement of License Application; Erection of Sign.

After application is made for a license to manufacture, distribute, dispense or sell alcoholic beverages with the office of the Revenue Director, the applicant shall pay the fee in force at such time for the cost of obtaining a sign, which shall be placed on the premises for which the applicant is requesting the issuance of a license. The sign shall have a minimum size of 28 square inches, with both language preprinted on it and information inserted pertinent to the license for which application has been made. The sign shall specify the nature of the license being requested, that the application applies to the premises on which it is posted and any other information specified by the Revenue Director. The sign shall be posted on the premises in a conspicuous place which is observable by pedestrian and vehicle traffic passing such location for at least fourteen days and shall not be removed until the applicant receives a license to manufacture, distribute, dispense or sell alcoholic beverages within the corporate limits of the City of Savannah.

(Ord. of __-__-2015, § 6-1208)

Chapter 3. Conditions of Operation Pursuant to Alcoholic Beverage License.

Sec. 6-1209 License Conditions and Restrictions.

(a) No person may either in his own right or an associate of or through any company or agency own at any time more than two retail package licenses.

(b) It shall be unlawful for any person to sell, offer for sale or keep for sale in a place of business any alcoholic beverage when such person or establishment has not been licensed to manufacture, distribute or sell under this Article.

(c) Any person possessing a retail dealer license shall establish a procedure for monitoring the number of people in the establishment and shall be in continuous compliance with the occupancy limit as shown on the certificate of occupancy for the premises.

(d) Any person possessing a retail dealer license shall at all times while open to the public keep restrooms open and operating in sufficient numbers to accommodate the needs of its customers. Such establishment shall be in continuous compliance with city building, plumbing and life safety code requirements regarding public restrooms.

(e) It shall be the responsibility of a retail dealer to employ crowd management techniques to assure that patrons are adequately disbursed throughout the establishment in compliance with the occupant load of the specific area or areas of the establishment.

(f) It shall be the responsibility of all retail dealers to see that the occupant load is not exceeded.

(g) To the extent patrons may assemble outside the licensed premises awaiting entry or upon exiting, it shall be the responsibility of a retail dealer to see that those patrons are not blocking the sidewalk, street, public ways or entrances to other establishments.

(h) It shall be the responsibility of any retail dealer to routinely monitor all on-site and off-site areas associated with the licensed premises to prevent such areas from becoming outdoor gathering places. It shall be the responsibility of retail dealer personnel to clear all on and off-site areas associated with the licensed premises within thirty minutes of closing.

(i) To the extent utilized by a retail dealer, all security personnel shall be readily and uniformly identifiable by such means as a badge or other form of identification to assist patrons and public safety officers. All security personnel shall review and have a firm working knowledge of the public safety plan pertaining to the applicable premises.

(j) It shall be the responsibility of retail dealer personnel to assist persons in entering and leaving the establishment in an orderly manner. In the event any person is disorderly or otherwise is engaged in illegal conduct, personnel shall contact law enforcement.

(k) The licensed premises, including the sidewalks and adjacent public ways, shall be kept clean and free of litter or trash, and such premises shall be and remain in full compliance with all requirements of the city inspections department.

(l) Those establishments required to submit a public safety plan shall conduct business pursuant to the terms of the plan submitted to the City and shall timely furnish, in no event more than thirty days thereafter, in writing, material changes to the plan to the Revenue Director with a copy to the Chief of SCMPD or his/her designee.

(m) *Posting of licenses, occupant load certificate, etc., required.* Any person licensed to manufacture, distribute, dispense or sell alcoholic beverages within the City of Savannah shall post together or as otherwise directed by a City official in a conspicuous place in clear public view:

- (1) The alcoholic beverage license issued for the premises by the City of Savannah, and all other related permits, if any;
- (2) All other licenses/business tax certificates required for the premises;
- (3) An alcoholic beverage license for the premises issued by the State of Georgia;
- (4) An Occupant Load Certificate issued by Savannah Fire and Emergency Services showing the maximum number of persons who may occupy the premises at any one time, and
- (5) Any certificate of inspection and approval as may be required by the Chatham County Health Department.

(Ord. of __-__-2015, § 6-1209)

Sec. 6-1210. Open to Inspection; Cooperation with Law Enforcement.

(a) Any licensee shall at all times, during the period allowable by law for operation of the business, be open to inspection by any officer of the Savannah-Chatham Metropolitan Police Department, Savannah Fire and Emergency Services, licensing inspector of the City or any designee of the office of the Director of Revenue or City Manager.

(b) Every licensee and its employees, agents and servants shall cooperate with local, state and federal law enforcement agents in the course of any investigation of a criminal violation of any law, regulation or order.

(c) Every person possessing an alcoholic beverage license shall keep, during business hours, the ingress doors of the premises unlocked.

(Ord. of ___-___-2015, § 6-1210)

Sec. 6-1211. Hours of Operation; Sunday Sales.

(a) *Hours of sale and operation for retail dealers.* No licensee subject to this provision shall sell or dispense any alcoholic beverages between the hours of 2:55 a.m. Sunday and 7:00 a.m. Monday and between the hours of 3:00 a.m. and 7:00 a.m. on other days. All establishments licensed for on-premises consumption shall close no later than 2:55 a.m. on Sunday and shall not open before 7:00 a.m. on Monday and shall be closed between the hours of 3:00 a.m. and 7:00 a.m. on all other days; provided, however, that when New Year's Eve falls on Sunday, then such establishments licensed hereunder for on-premises consumption may open and begin dispensing alcoholic beverages at 12:01 a.m. on January 1st and shall cease dispensing alcoholic beverages and close at 3:30 a.m. on January 1st. No licensee may sell alcohol on election days, as defined by O.C.G.A. § 3-3-20, as amended, within 250 feet of any polling place or the outer edge of any building within which such polling place is established. An establishment that falls within Section 6-1225 (a)(1) may remain open beyond such times to serve food but in no event shall there be any sale or dispensing of any alcoholic beverages.

(b) *Hours of sale for retail package dealers and ancillary retail package dealers.* No licensee subject to this provision shall sell alcoholic beverages at any time on Thanksgiving Day or Christmas Day. Package licensees of distilled spirits shall not sell distilled spirits except between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday and between the hours of 12:30 p.m. and 11:30 p.m. on Sundays.

Sale of malt beverages and wine by the package is prohibited between the hours of 11:45 p.m. Saturday and 12:30 p.m. Sunday and between the hours of 11:30 p.m. Sunday and 8:00 a.m. Monday.

(c) A retail dealer licensee may serve alcoholic beverages, consistent with the scope of its existing licenses between the hours of 12:30 p.m. Sunday and 2:00 a.m. Monday provided the licensee or applicant complies with the following provisions, evidence of which shall be provided to the office of the Revenue Director by certification made under oath by a certified public accountant by a deadline to be specified by the Revenue Director:

- (1) In the case of a current licensee filing an annual renewal, operation of an establishment where at least 50% of the total annual gross sales are derived from the sale of prepared meals or food during the previous calendar year.
- (2) In the case of a current licensee that does not possess a Sunday sales permit but intends to change its operational plan, when such planned operational change is, in good faith, intended and expected to result in at least 50% of total annual gross sales being derived from the sale of prepared meals or food, such licensee shall submit no later than six months after receiving an interim Sunday sales permit a certification made under oath by a certified public accountant evidencing that at least 50% of the licensee's total gross sales were derived from the sale of prepared meals or food during the interim Sunday sales permit period;
- (3) In the case of a new licensee, then the new licensee must, in good faith, intend and expect to derive at least 50% of its total annual gross sales from the sale of prepared meals or food. Six months after receipt of a new Sunday sales permit, the new licensee shall submit a certification made under oath by a certified public accountant evidencing that at least 50% of the licensee's total gross sales were derived from the sale of prepared meals or food during the initial Sunday sales permit period;
- (4) Possesses or has applied for a business tax certificate to operate a restaurant; and

- (5) Prepared meals or food will be served on the premises during the time in which the establishment is open to the public.
- (6) Failure to comply with the provisions of this section may result in revocation of the licensee's Sunday sales permit.

(Ord. of ___-___-2015, § 6-1211)

Sec. 6-1212. Sale; Consumption Outside Licensed Premises.

(a) A retail consumption dealer shall not sell or permit the sale of alcoholic beverages except within the licensed premises under its exclusive custody and control. Any area not under the exclusive custody and control of the retail consumption dealer shall not be considered a part of the premises. Alcoholic beverages may not be sold, served or delivered in, into or within such areas, unless a temporary event permit has been obtained. A retail consumption dealer shall be responsible for consumption and possession of all alcoholic beverages by any person located on the premises.

(b) No detached bar, whether permanent or temporary, may be erected on the premises within or on any outside area.

(Ord. of ___-___-2015, § 6-1212)

Sec. 6-1213. Dispensing Alcohol to or by Persons in Motor Vehicles.

(a) It shall be unlawful for any person to dispense, furnish, or permit to be furnished any alcoholic beverage to any person situated within a motor vehicle, when such vehicle is parked or otherwise occupies space on any city street, alley, lane, parking lot or other roadway, except to make a delivery for subsequent consumption.

(b) It shall be unlawful for any person situated within a motor vehicle, when such vehicle is parked or otherwise occupies space on any city street, alley, lane, parking lot or other roadway to dispense, furnish, or permit to be furnished any alcoholic beverage to any person.

(Ord. of ___-___-2015, § 6-1213)

Sec. 6-1214. Consumption of Alcohol on City Streets.

(a) Except for the area specified in subsection (b) herein, it shall be unlawful for any person to possess an alcoholic beverage in an open container, either on their person, in a motor vehicle or otherwise on the streets, sidewalks, parks, squares or other public places within the City of Savannah.

(b) Within the area of the City bounded on the north by the city limits, on the west by the centerline of the Talmadge Memorial Bridge extended south on West Boundary Street to Jones Street to the intersection of Jones Street and Whitaker Street and then from the centerline east of Whitaker Street until Park Avenue on the south, extended east to the centerline of Drayton Street to the south of Jones Street extended east to the railroad track, and on the east by a line extending north along the centerline of the railroad track to the Savannah River east of the Marriott Hotel, then across the Savannah River to include all portions of Hutchinson Island that are within the city, the following regulations apply:

- (1) Any person licensed to dispense alcoholic beverages for on-premises consumption may sell one alcoholic beverage in a paper or plastic cup for removal from the premises; provided, however, that the alcoholic beverage is not placed in a can, bottle or other glass container and, further provided, that the licensee may dispense no more than one alcoholic beverage per person, and no person shall remove more than one alcoholic beverage from the premises;
- (2) Any alcoholic beverage dispensed pursuant to this section shall not exceed 16 fluid ounces in size and no person shall possess an alcoholic beverage in excess of 16 fluid ounces on the streets, sidewalks, parks, squares or other public places within the area described in this section;
- (3) Unless specifically provided otherwise by ordinance, the regulations provided by this section shall be in full force and effect during the Saint Patrick's Day Festival and any other festival.

(Ord. of ___-___-2015, § 6-1214)

Sec. 6-1215. Employee Regulations for Retail Consumption Dealers, Alcoholic Beverage Caterers and All Others Dispensing Alcohol for Consumption on Premises.

(a) Every retail consumption dealer, alcoholic beverage caterer, establishment offering samples or tastings and establishment offering complimentary service shall require all persons employed as managers, servers, bartenders, doorpersons, or any other employee, agent or subcontractor with the responsibility for handling, serving, mixing or dispensing alcoholic beverages to register and file an application for a server permit with the Revenue Department no later than three days after commencement of his/her employment. The applicant for the permit shall pay a permit fee as provided for in the annual revenue ordinance or as specified in a contract between the City and a third party vendor.

(b) Each applicant shall be fingerprinted and submit an executed waiver permitting a criminal background check. Any person who has been convicted of a violation of any law, ordinance or regulation governing the sale of alcoholic beverages, a violent crime or possession of illegal drugs in the 36 months immediately preceding the date of the application shall be ineligible to receive a server permit.

(c) Each applicant shall attend server training which shall include, at a minimum, alcohol awareness training and other topics, as may from time-to-time be identified by the City Manager or his/her designee. Proof of completion of server training issued by the course-provider shall be submitted to the City prior to the issuance of a server permit.

(d) Upon submission of satisfactory evidence of eligibility, including successful completion of server training, a server permit may be issued. The permit will expire two years from the date of issuance and shall be renewed no less than 30 days prior to expiration.

(e) Applicants for renewal shall follow the procedure outlined in this Section, including submitting to updated criminal background checks and providing proof of completion of server training issued by the course provider no more than sixty days prior to submission of an application for renewal.

(f) The licensee shall maintain on the licensed premises a register of all employees required to attend mandatory server training and required to obtain a manager or server permit along with a copy of the training certificate, copy of government issued photo identification and a copy of the manager or employee permit required for each employee. Upon the request of an SCMPD officer, a City Deputy

Marshal or any other City Code enforcement officer, the licensee or manager on duty must present a manifest indicating employees on duty required to hold a permit.

(g) The holder of an alcoholic beverage employee permit shall keep the same on their person at all times while working in any licensed premises and shall display the same upon the request of any police officer or code enforcement official of the City. Expired, suspended or revoked permits shall be confiscated upon presentation.

(h) The Revenue Department will maintain a registry and track the status of all permitted managers and employees required to obtain permits herein described.

(i) All licensees and all individuals holding employee permits shall report to the City Revenue Department any citation, conviction or administrative sanction imposed upon them by any court or governmental agency within ten days of the permit-holder's receipt of notification regarding the adjudication of the occurrence, incident or event giving rise to a citation.

(j) Any holder of an alcoholic beverage server permit who is cited for a violation of this chapter or any state law governing dispensation of alcohol and who either enters a plea of guilty or *nolo contendere* or is convicted of such violation shall be subject to sanction to include revocation or suspension of his/her permit.

- (1) Permit holders cited for violations as described in this section shall be subject to the penalties of Section 6-1232.
- (2) Cause for suspension or revocation of a permit shall be as follows:
 - (A) Violation of any city ordinance or state law governing the dispensation of alcoholic beverages;
 - (B) Criminal offenses, arrests or convictions as described in Section 6-1215(a)(1);
 - (C) Any material false statement or omission relating to any alcoholic beverage manager or employee permit issued, including but not limited to any material false statement, omission or misrepresentation on any permit application.

(Ord. of __-__-2015, § 6-1215)

Chapter 4. Specific Provisions Related to Malt Beverages.

Sec. 6-1216. Brewer License Authorized.

Brewer's licenses are authorized in the City; provided, however, that no individual shall be permitted to run or operate a brewery without first obtaining a proper brewer's license (Class B2) from the City in the manner provided in this Article, and each holder of a brewer's license shall comply with the provisions of this Article and all applicable state statutes, including the rules and regulations promulgated by the Department of Revenue. A licensed brewery shall not engage in retail package or retail dealer sales, directly or indirectly, of alcoholic beverages at any time unless specifically exempt by regulation or Title 3 of the Official Code of Georgia, § 3-1-1, *et seq.*, as amended.

(Ord. of ___-___-2015, § 6-1216)

Sec. 6-1217. Tastings.

Upon securing a license from both the State Revenue Commissioner and the City of Savannah, a brewer may conduct educational and promotional brewery tours which may include free tasting on the premises by members of the public of tax paid varieties of malt beverages brewed by such brewer. Such tasting shall be limited to 24 ounces of a malt beverage during or following completion of a one-hour tour of the premises. Such tasting shall be limited to 32 ounces of a malt beverage during or following completion of a two-hour tour of the premises. Tastings of malt beverages shall be prohibited if the educational or promotional brewery tour is conducted for a fee. In no event shall tastings occur on a Sunday.

(Ord. of ___-___-2015, § 6-1217)

Sec. 6-1218. Home Brew Special Event Permits.

(a) *"Home brew special event"* means an organized event that consists of a contest, tasting, judging or other similar such competitive event that is not open to the general public that occurs at locations which do not constitute premises under this Article and where malt beverages that have been manufactured in a private residence are consumed by participants in and judges of such events.

(b) Malt beverages brewed in a person's private residence may be removed from such residence, in a quantity not to exceed 25 gallons and otherwise provided such removal complies with the provisions of O.C.G.A. § 3-5-4, as amended, for purposes of home brew special events.

(c) Prior to conducting a home brew special event, the sponsor shall apply for and obtain a home brew special event permit on a form provided by the office of the Revenue Director.

(d) Home brew special events shall not be open to the general public and shall be limited to the event participants and/or designated judges.

(Ord. of __-__-2015, § 6-1218)

Chapter 5. Specific Provisions Related to Distilled Beverages

Sec. 6-1219. Distillery Tours

(a) As used in this Section, the term:

(1) “*Free tastings*” means the provision of complimentary samples of distilled spirits not to exceed one-half of one ounce to the public for consumption on the premises of a distiller.

(b) No distiller conducting free tastings under this Section shall provide, directly or indirectly, more than one sample to a person in one calendar day. Free tastings shall be held in a designated tasting area on the premises of the distiller, and all open bottles shall be visible at all times.

(Ord. of __-__-2015, § 6-1219)

Chapter 6. Specific Provisions Related to Wine

Sec. 6-1220. Home Production of Wine

(a) A person may produce 200 gallons of wine in any one calendar year to be consumed within his/her own household without any requirement to be licensed for such purpose.

(b) Home production of wine pursuant to this Section, shall only be conducted by an individual who is not a dependent of another for purposes of Georgia income taxation.

(Ord. of __-__-2015, § 6-1220)

Sec. 6-1221.Tastings.

A manufacturer of wine may provide samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine must be provided free of charge.

(Ord. of ___-___-2015, § 6-1221)

Chapter 7. Specific Provisions Related to Authorized Catered Event Functions.

Sec. 6-1222. Licensed Alcoholic Beverage Caterers

Licensed alcoholic beverage caterers may operate in the City of Savannah only pursuant to a license issued by the Revenue Director and pursuant to the terms and conditions specified in this Chapter.

(Ord. of ___-___-2015, § 6-1222)

Sec. 6-1223. Eligibility for Alcoholic Beverage Caterer License; Application and Fee.

(a) Any retail dealer in possession of a current City license may apply for an-off premises license, to the extent of the holder's on-premises consumption alcoholic beverage license in effect at the time of application, to act as a licensed alcoholic beverage caterer whereby such licensee is permitted to sell or dispense alcoholic beverages, consistent with its on-premises consumption license, by the drink in connection with authorized catered functions of a limited duration, which shall be set forth in the licensing application.

(b) Any retail package dealer in possession of a current City license may apply for an-off premises license, to the extent of the holder's package dealer alcoholic beverage license in effect at the time of application, to act as a licensed alcoholic beverage caterer whereby such licensee is permitted to sell or dispense alcoholic beverages, consistent with its retail package dealer license, by the drink in connection with authorized catered functions of a limited duration, which shall be set forth in the licensing application.

(c) The application for each such authorized catered function license shall be made upon a form provided by the Revenue Director, identifying the name of the

caterer, the date, address and time of the event and the licensed alcoholic beverage caterer's license number. The application shall be submitted with payment of a license fee as set forth in the annual revenue ordinance.

(Ord. of __-__-2015, § 6-1223)

Sec. 6-1224. Additional Conditions; Restrictions.

(a) Upon issuance, the original alcoholic beverage caterer license shall be maintained in the vehicle transporting the alcoholic beverages to the authorized catered function at all times and available for inspection throughout the duration of such function.

(b) It is unlawful for a licensed alcoholic beverage caterer to sell, distribute or otherwise dispense any alcoholic beverages in a manner that is inconsistent with its permit.

(c) No person under the age of 21 shall be employed by a licensed alcoholic beverage caterer who, in the course of such employment, might dispense, serve, sell or handle alcoholic beverages.

(Ord. of __-__-2015, § 6-1224)

Chapter 8. Persons under the Age of 21

Sec. 6-1225. Lawful Presence of Persons under the Age of 21 on Licensed Premises.

(a) Persons under the age of 21 are permitted upon licensed premises only as follows:

- (1) In establishments where no less than 50% of the licensee's annual gross sales are derived from the sale of prepared food, provided; however, that during the time the establishment is open to the public its mode of operation remains unchanged and full menu service is available, and further provided that persons under the age of 21 at no time shall be permitted at or in the bar area.
- (2) In establishments where less than 50% of annual gross sales are derived from the sale of prepared foods only when live entertainment is available, provided; however, that only persons

above the age of 18 shall be permitted upon the premises during live performances and only following issuance of an underage permit to the licensed establishment. For purposes of this section “live entertainment” means a vocal or instrumental performance by a natural person(s) who is physically present in the establishment and specifically excludes disc jockeys and karaoke performances.

- (3) In event venues, as that term is defined by this Chapter.
- (4) In establishments providing complimentary service to their patrons.
- (5) In establishments providing tastings or samples at no cost to their patrons.
- (6) In recreation facilities, including, but not limited to, bowling alleys, billiard parlors, skating facilities, golf course clubhouses and other similar such family-oriented establishments where the majority of the establishment’s annual gross revenue is derived from fees obtained in the furtherance of recreational activities.
- (7) In hotels, motels, inns, auditoriums, athletic facilities or stadiums.
- (8) In other locations where alcohol is dispensed pursuant to a temporary event permit.
- (9) In establishments with retail package dealer or ancillary package dealer licenses.

(Ord. of __-__-201_5§ 6-1226)

Chapter 9. Penalties for Violations.

Sec. 6-1226. Penalties.

(a) A violation of any state statute, regulation or city ordinance regulating a person licensed thereunder and committed by the licensee or any person employed thereby shall be punished by a fine against the licensee, license suspension or revocation, following adequate warning, notice and failure by the licensee or person employed thereby to correct the infraction within a reasonable time, as follows:

- (1) First offense: Minimum fine of \$500.00.

- (2) Second offense: If within 12 months of the first, \$750.00.
- (3) Third offense: If within 18 months of the first, minimum fine of \$1,000.00.
- (4) Any offense after the third: If within 24 months of the first, issuance of notice to appear to show cause why license should not be revoked.

(b) A licensee shall be notified in writing of the time, date, place and nature of the violation and the time and date when the licensee shall be afforded a hearing with an opportunity to present evidence and cross-examine opposing witnesses. Proof of a criminal conviction for the violation shall not be required. The burden of proof shall be by a preponderance of the evidence.

(c) When a license has been revoked, no further license shall issue under this Article to the former licensee for a period of 24 months from the date of revocation.

(d) Any person who violates this Article or any other state law, regulation or local ordinance may also be subject to citation and subpoena to the Records Court of Chatham County and to judicial penalties resulting therefrom.

(Ord. of __-__-2015, § 6-1226)